

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Kari Crutcher,

Appellant,

v.

Pacific Investment Management Company,
LLC,

PIMCO Investments LLC,

Appellees.

Civil Action No. 23-cv-01025-CFC

Bankruptcy Case No. 22-10584 (CTG)

Bankruptcy BAP No. 23-00050

**DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL
PURSUANT TO FED. R. BANKR. P. 8009(a)**

Pursuant to Fed. R. Bankr. P. 8009(a), Appellant Kari Crutcher, by and through undersigned counsel, hereby respectfully submits this designation of the record on appeal and statement of issues on appeal in connection with her appeal from the Court's *Order Granting Motion of the PIMCO Parties to Enforce the Chapter 11 Plan and Confirmation Order* [Docket No. 951] and respectfully states as follows:

DESIGNATION OF THE RECORD ON APPEAL

Kari Crutcher hereby designates the following pleadings and other documents as the record on appeal:

ITEM NO.	FILING DATE	ECF DOC. NO.	PLEADING / DOCUMENT
1	8/3/23	900-3	Supplemental Second Amended Complaint and Demand for a Jury Trial (the “ <u>Complaint</u> ”)
2	10/31/22	652	Amended, Modified and Restated Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate (the “ <u>Plan</u> ”)
3	11/2/2022	671	Findings of Fact, Conclusions of Law, and Order (I) Approving Disclosures on a Final Basis and (II) Confirming the Amended Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate
4	7/13/2023	881	Transcript regarding Hearing Held 07/11/2023 RE: Motion to Compel, Motion for Limited Relief
5	8/3/23	900	Motion of Pacific Investment Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order
6	8/17/23	918	The Liquidating Trustee’s and Post-Effective Date Debtors’ (I) Joinder to Motion of Pacific Investment Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order and (II) Reservation of Rights
7	8/17/23	919	B2 FIE XI LLC and LVS II SPE XXXIV LLC’s Joinder to Motion of Pacific Investment Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order
8	8/28/23	930	Objection by Kari Crutcher to Motion by Pacific Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order
9	9/1/23	941	Reply of the PIMCO Parties in Further Support of Their Motion to Enforce the Chapter 11 Plan and Confirmation Order

ITEM NO.	FILING DATE	ECF DOC. NO.	PLEADING / DOCUMENT
10	9/5/23	951	Order Granting Motion of the PIMCO Parties to Enforce the Chapter 11 Plan and Confirmation Order
11	9/7/23	956	Transcript regarding Hearing Held 9/5/2023
12	9/19/23	966	Notice of Appeal

STATEMENT OF THE ISSUES ON APPEAL

Kari Crutcher hereby states the following as the issues on appeal pursuant to Fed. R. Bankr.

P. 8009(a)(1)(A):

1. Did the bankruptcy court err as a matter of law in concluding that the Complaint asserts claims that are barred by the Plan injunction?
2. Did the bankruptcy court err as a matter of law in concluding that the claims asserted against the Appellees in the Complaint are derivative claims of the Debtor?

Dated: October 5, 2023

/s/ Jesse L. Noa

Jesse L. Noa (No. 5973)

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